

REMARKS

Claims 1-40 are pending in the Application. Claims 1-40 stand rejected. No amendments or new claims are being introduced. Applicants believe no new matter is being introduced by way of the following remarks.

Claims 1-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2003/0193696 Walker *et al.* (hereafter “Walker”) in view of U.S. Patent Publication Number 2002/0080730 LeBlanc *et al.* (hereafter “LeBlanc”). Applicants respectfully disagree.

Applicants’ Claim 1 recites in pertinent part “in voice band data mode, enabling silence detection and disabling voice detection;...in response to detecting silence...enabling voice detection; and [thereafter] in response to detecting voice,...entering voice mode.”

In stark contrast, the proposed Walker-LeBlanc combination:

- 1) transitions to voice mode after detecting silence (*see* Walker [0059] and FIG. 3a state transition numbered eight);
- 2) then transitions out of the voice mode and into voice band data mode to invoke a human speech detector “during the voice band data mode” (*see* LeBlanc [0034], emphasis added); and
- 3) then again transition out of the voice band data mode and back into the voice mode in the event that speech is detected by the human speech detector (*see* LeBlanc [0034]).

Because the Walker-LeBlanc combination enters the voice mode immediately after detecting silence, making the Walker-LeBlanc combination work in a similar manner as Applicants’ invention of Claim 1 (i.e., “in voice band data mode, enabling silence detection and disabling voice detection;...in response to detecting silence...enabling voice detection; and [thereafter] in response to detecting voice,...entering voice mode” (emphasis added)) would require substantial reconstruction and resign. *See* MPEP § 2143.02 (VI) (Proposed modification cannot change principle of operation of reference). For example, for the Walker LeBlanc combination to work in a similar manner as Applicants’ invention of Claim 1, Walker must be modified to refrain from entering voice mode after detecting silence. This would hinder the ability for a media

gateway to transition autonomously. Even if the Walker-LeBlanc combination could be so modified, which it cannot, such a modification amounts to impressive hindsight.

Because neither Walker nor LeBlanc, either alone or in combination, teaches, suggests, or provides motivation for the independent Claim 1 (“in voice band data mode...in response to detecting silence...and [thereafter] in response to detecting voice...entering voice mode”), Applicants respectfully submit that Claim 1 should be allowable under 35 U.S.C. 103(a) over Walker in view of LeBlanc. Independent Claims 14, 27, and 40 recite similar elements and should be allowable for at least the same reasons.

Because Claims 2-13 depend from Claim 1, Claims 15-26 depend from Claim 14, and Claims 28-39 depend from Claim 27, Applicants respectfully submit these claims should be allowable under 35 U.S.C. 103(a) over Walker in view of LeBlanc for at least the same reasons as the base claims from which they depend.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (Claims 1-40) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By /Mark B. Solomon, Reg. No. 44348/
Mark B. Solomon
Registration No. 44,348
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133
Date: 8/11/08